



Application No.: FLUM-2020-003

Attachment "D"

DERM Corrective Action Letter

SAGA SOUTH DEVELOPMENT, INC

FUTURE LAND USE MAP

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING THE FUTURE LAND USE MAP (FLUM) WITHIN THE TOWN'S COMPREHENSIVE PLAN FROM MEDIUM DENSITY RESIDENTIAL WITH RESIDENTIAL CONSERVATION OVERLAY TO INSTITUTIONAL ON PROPERTY LOCATED AT 8165 SW 210TH STREET CONSISTING OF APPROXIMATELY 8.45 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.



Carlos A. Gimenez, Mayor

Department of Regulatory and Economic Resources
Environmental Resources Management
701 NW 1st Court, 6th Floor
Miami, Florida 33136-3912
T 305-372-6902 F 305-372-6630
miamidade.gov

February 21, 2020

Mario Gazzola, President
Saga South Development Inc.
66 White Street, Unit 501
New York, NY 10013

Certified Mail No. 7014 1200 0000 1636 4544
Return Receipt Requested

Re: Consent Agreement to redress the violations of Chapter 24, Miami-Dade County Code at the property located at, near or in the vicinity of 8165 SW 210 Street, Section 10, Township 56 South, Range 40 East, Miami-Dade County, Florida (folio # 36-6010-000-0030) DERM file: SW-1469.

Dear Mr. Gazzola:

As a follow-up to the administrative Consent Agreement you entered into with this Department, a recent inspection conducted by Department staff revealed that the approved Corrective Action Plan (CAP) submitted for the subject property has not been implemented. Pursuant to paragraph 7 of said Agreement, you are required to comply with the requirements of the February 20, 2018 CAP approval letter (copy enclosed). Section 5.4 of the approved CAP (copy enclosed) states that the screening process will commence within one hundred twenty (120) days of the approval. Said CAP approval letter was reinstated at time of execution of the Consent Agreement thereby making the project start-up date January 4, 2020.

Based on the above, submit to this office within fifteen (15) days of receipt of this correspondence a revised timetable for the work to be performed at subject site. Please be advised, the subject CAP approval letter expires on June 28, 2020. Additionally, pursuant to the CAP approval letter DERM shall be notified in writing a minimum of seven (7) days prior to the commencement of CAP activities at the subject site.

If you have any questions concerning the above, please contact Danielle Jimenez of the Pollution Regulation Division of this office at (305) 372-6509 or the undersigned at 305-372-6919.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark J. Pettit".

Mark J. Pettit
Environmental Code Enforcement Officer II
Regulatory Services

Cc: Miguel Diaz de la Portilla (md.portilla@saul.com)

Delivering Excellence Every Day



Regulatory and Economic Resources
 Environmental Resources Management
 701 NW 1st Court • 7th Floor
 Miami, Florida 33136-3912
 T 305-372-6600 F 305-372-6893

miamidade.gov

February 20, 2018

Mr. Mario Gazzola, President
 Saga South Development Inc.
 230 Park Ave 24th Floor
 New York, NY 10169

CERTIFIED MAIL NO. 7017 2400 0000 7830 0902
 RETURN RECEIPT REQUESTED

Re: Response dated December 20, 2017 to the Request for Additional Information No.2 (RAI#2) letter dated October 23, 2017 pertinent to a Corrective Action Plan (CAP) submitted by Langan Engineering & Environmental Services, Inc. on behalf of Saga South Development Inc. for the property located at, near or in the vicinity of SW 208 ST and SW 81 Place, Cutler Bay, Florida; Folio No: 36-6010-000-0030; DERM No. SW-1469.

Dear Mr. Gazzola:

The Environmental Permitting Section (EPS) of the Department of Regulatory and Economic Resources-Division of Environmental Resources Management (DERM) acknowledges the receipt of the referenced submittal on December 21, 2017. Based on a review of the submittal, the EPS hereby approves the referenced CAP with the following conditions:

Specific Conditions

1. This approval is valid as of the date of this letter and expires on December 31, 2018. If the CAP activities are not expected to be completed within the validity period of this approval, a revised project schedule shall be submitted to the EPS a minimum of sixty (60) days prior to the expiration of this approval. Revisions to the project schedule shall be submitted to the DERM contact person identified in condition #13 of this approval.
2. This approval is limited to the excavation of approximately 25,600 cu. yd. of soil material from the property and processing/removal of solid waste as described in Section 5 of the referenced CAP.
3. Any suspected hazardous wastes (e.g., waste oil, etc) shall be appropriately handled by a waste disposal contractor and disposed at a suitable facility in accordance with the provisions of Chapter 62-730, F.A.C.
4. DERM shall be immediately contacted at 305-372-6955 in the event that unauthorized solid waste disposal activities are identified at the site. A follow up written notification shall be sent within 48 hrs to DERM staff identified in condition #13 describing the actions to be taken to prevent illegal disposal activities.

Waste Processing and Disposal

5. It is the responsibility of the entity(ies) tasked with the implementation of the CAP to follow all applicable safety requirements (e.g., OSHA, etc).
6. Soil excavations shall be advanced vertically and horizontally until solid waste material is not visually identified, and performed in accordance with the findings of the Site Investigation Report (Section 4) of the referenced CAP. Upon request by DERM, the responsible party shall conduct additional site investigation and excavation activities to ascertain the presence of buried solid waste at the site.
7. The staging, processing and stockpiling of excavated soils shall be conducted in accordance with the site's Soil Management Plan (SMP) and Health and Safety Plan (HASP) documented in Section 6 of the referenced submittal and as amended.
8. Pursuant to the Coastal and Wetlands Resources Section memorandum dated February 2, 2018 (copy enclosed), the removal of solid waste from wetlands areas located within property shall be conducted as described in Section 5.2 of the CAP.
9. All non-putrescible and non-hazardous solid waste shall be disposed of within thirty (30) days after being excavated. All other materials (e.g., hazardous waste, putrescible waste, etc) shall be disposed of within seven (7) days. All wastes shall be handled in accordance with applicable local, state and federal regulations and disposed of at a suitable and permitted facility.

Saga South Development Inc. (DERM File No. SW-1469)
 Corrective Action Plan Approval
 February 20, 2018
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Material Reuse and Sampling/Analysis Requirements

10. Fill material imported from sources other than a rock mining quarry shall not be used as fill at the site without prior DERM approval. The responsible party shall provide proper documentation confirming the origin (name and address), quantity and quality of any off-site material expected to be used as fill at the site, including material originating from a rock mining quarry.
11. A Soil Characterization Report and Soil Reuse/Management Plan shall be provided to the Environmental Monitoring and Restoration Division (EMRD) of DERM, for review and approval, subsequent to characterization and prior to reuse of Recovered Screened Material (RSM) as indicated in the EMRD memorandum dated January 18, 2018 (copy enclosed).
12. The expected timetable for the development activities shall be provided. Be advised that depending on the duration the RSM will remain in place before it is covered with an impervious surface, a temporary engineering control (i.e., fence) will be required as indicated in the EMRD memorandum dated January 18, 2018.

Notification and Reporting Requirements

13. DERM shall be notified in writing a minimum of seven (7) days prior to the commencement of CAP activities at the site. Said notification shall be sent to Ms. Patti Emad of the Pollution Regulation Division via email at emadp@miamidade.gov.
14. A Monthly Operating Report (MOR) using the herein attached MOR form shall be submitted to DERM that includes the following information:
 - a) Total quantity of soil material excavated and processed during the month.
 - b) Total quantities and types of solid waste disposed off-site (including RSM), along with copies of disposal manifests and receipts.
 - c) Total quantity of any imported fill material, along with copies of manifests indicating the source of said material.
 - d) Summary of locations, types, volumes of unprocessed/processed material and solid waste stockpiles at the property as of the last day of each calendar month. Said summary shall include a site sketch identifying the locations of said stockpiles within the property.
 - e) Air monitoring data shall be included with the MOR as indicated in the EMRD memorandum dated January 18, 2018.

The MORs shall be sent by the 15th day of every month to the following address:

Attn: Ms. Patti Emad
 Pollution Regulation Division, 7th Floor
 Department of Regulatory and Economic Resources
 701 NW 1st CT
 Miami, FL 33136-3912

15. DERM shall be notified in writing a minimum of three (3) working days in advance of any required sampling events. All sampling event notifications shall be sent to the DERM Environmental Monitoring and Restoration Division (EMRD) via fax at (305) 372-6982 or via e-mail at DERMPCD@miamidade.gov. Notifications must include the file numbers (SW-1469) pertinent to this case.
16. A certification of completion (COC), signed and sealed by a State of Florida registered professional engineer, shall be submitted to the EPS within thirty (30) days of completion of the CAP activities addressed in this approval. Said certification shall include the following:
 - a) Statement indicating the commencement and completion dates of the activities.
 - b) Summary of total quantities and types of solid waste material disposed off site.
 - c) Summary of total quantities of fill imported to the site, along with a listing of the associated source(s).
 - d) Summary of total quantities excavated material processed and used as fill at the site.

The COC, along with all applicable supporting documentation, shall be submitted to:

Attn: Johnny Vega., P.E.
 Pollution Regulation Division, 7th Floor
 Department of Regulatory and Economic Resources

Saga South Development Inc. (DERM File No. SW-1469)
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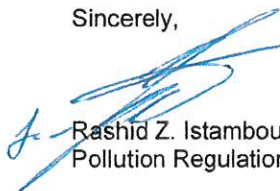
701 NW 1st CT
 Miami, FL 33136-3912

General Conditions

17. At the conclusion of the CAP activities, and upon receipt and review of the certification of completion, be advised that DERM may require confirmatory trenching/boring to verify that buried solid waste material has been removed in accordance with the provisions of the CAP. Additionally, assessment of soil and groundwater quality may be required in the areas of documented solid waste impacts.
18. Pursuant to the EMRD memorandum dated January 18, 2018 the following information shall be provided to the EMRD:
 - a) An Engineering Control Plan (ECP) that addresses the documented contaminated soils upon completion of the development plans.
 - b) A Groundwater Sampling Plan for review and approval.
19. A determined nuisance, as defined in Chapter 24, Miami-Dade County Environmental Protection Ordinance (MDCEPO), public health threat condition, or abnormal occurrence (i.e., fires, explosions, spills) may result in orders for immediate corrective action in accordance with Section 24-7(15)(a) of the MDCEPO, possible modification to the operation and/or revocation of this approval. Any abnormal occurrences shall be reported to DERM within 4 hours, and records shall be kept pursuant to Section 24-20, MDCEPO.
20. Dust suppression, odor and litter control, and other measures shall be implemented, as applicable, to prevent nuisance conditions as defined in Chapter 24, MDCEPO.
21. In accordance with Section 24-41.5 of the MDCEPO, open burning is not permitted at this site.
22. The property owner or other responsible party overseeing the CAP activities agrees to allow access to the referenced property during normal operating hours or as deemed necessary by Miami-Dade County agents/personnel for the purposes of inspection and testing to determine compliance with the provisions of this document and Chapter 24, MDCEPO.
23. This approval is not intended to address geotechnical, structural, stability, or foundational concerns at the site. The responsible party performing the work is responsible for verifying the presence of underground utilities prior to commencement of CAP activities.
24. Compliance with the conditions of this approval does not relieve the property owner from any other applicable local, state, or federal rules or requirements.

If you have any questions regarding this letter, please contact Francisco T Calleja, P.E. or Johnny Vega, P.E. of the EPS at (305) 372-6600 or via email respectively at callef@miamidade.gov or vegajo@miamidade.gov.

Sincerely,



Rashid Z. Istambouli, P.E., Chief
 Pollution Regulation Division

Enclosures: Monthly Operating Report Form, EMRD memo dated 01/18/18, CWRS memo dated 02/02/18

ec: Johnny Vega, P.E., Francisco T Calleja, P.E., Patti Emad – DERM
 Alicia Felipe, Pamela Sweeney, Mike Spinelli, Camilo Ignacio, Maria Molina, JoAnne Clingermann - DERM
 Michael Spievack, P.E. – Langan Engineering (via email: mspievack@Langan.com)
 Vince Yarina – Langan Engineering (via email: vyarina@Langan.com)

DERM File No. SW-1469

RER SOLID WASTE OPERATING REPORT FORM

Facility Name: _____ Facility Type (Landfill, C&D MRF, etc.): _____
 Facility Address: _____ Permit Number: _____
 Operating Schedule: _____ hrs./day _____ days/week or _____ days/quarter _____
 Reporting Period (Month/Year): _____

Waste Type	Waste Received this Reporting Period		On-Site Disposal this Reporting Period		Off-Site Disposal this Reporting Period ⁽¹⁾	
	Amount	Units ⁽²⁾	Amount	Units ⁽²⁾	Facility Name and address	Amount
Concrete, Stone, Brick, Ceramic Tiles						
Soil						
Construction & Demolition (C&D) Debris						
Recovered Screen Material (RSM)						
RSM Reused ⁽⁴⁾						
C & D Residuals (screening overs)						
Metals (Ferrous)						
Metals (Non Ferrous)						
Land Clearing Debris/Lumber						
C & D Wood						
Roofing						
Plastic						
Tires						
Paper/Cardboard						
Glass						
Garbage						
Filters						
Bio-hazardous Waste						
Unacceptable (list below)						
Mixed Waste (list below)						
TOTALS					TOTALS	

I hereby certify, under penalty of perjury, that the information given in this report is accurate to the best of my knowledge

Name of Operating Authority Representative⁽³⁾ _____ Signature of Operating Authority Representative⁽³⁾ _____ Date _____

Facility Operator _____ Signature of Operator _____ Date _____

- Notes:
- (1) ATTACH DISPOSAL RECEIPTS FOR ALL WASTE DISPOSED OFF SITE
 - (2) Cubic Yards or Tons
 - (3) Corporate Officer or Authorized Representative (letter of authorization must be on-file with RER if not a Corporate Officer)
 - (4) RER Approval required for REUSE of RSM


[illegible]

Memorandum



Date: January 18, 2018

To: Rashid Istambouli, P.E., Chief
Pollution Regulation Division (PRD)

From: Wilbur Mayorga, P.E., Chief
Environmental Monitoring and Restoration Division (EMRD) 

Subject: Review request- Response to comments dated December 12, 2017 (received December 21, 2017) relevant to Corrective Action Plan (CAP) submitted by Langan Engineering & Environmental Services, Inc. on behalf of Saga South Development, Inc for the property located at, near or in the vicinity of SW 208 St and SW 81 Place, Cutler Bay, Florida (Folio No. 36-6010-000-0030); DERM No. SW-1469/F-20818.

In response to your memorandum dated January 16, 2018, the Pollution Remediation Section (PRS) of the EMRD has completed a review of the referenced document and offers the following comments to be provided to the Responsible Party (RP):

1. As acknowledged in the report, an Engineering Control Plan (ECP) that addresses the documented contaminated soils at the property shall be provided to the PRS upon completion of the development plans.
2. The expected timetable for the development activities shall be provided. Be advised that depending on the duration the RSM will remain in place before is covered with an impervious surface; a temporary engineering control (i.e., fence) will be required.
3. The proposed RSM Characterization Plan is hereby approved. Subsequent to characterization and prior to reuse, a Soil Characterization Report and Soil Reuse/Management Plan shall be provided to the PRS for review and approval.
4. The PRS has no objection to the implementation of the revised Health and Safety Plan and Dust Control Plan. The air monitoring data shall be provided with the operating reports.
5. As acknowledged in the report, upon completion of the corrective action activities, a Groundwater Sampling Plan to be provided to the PRS for review and approval.

If you have any questions regarding the above, please contact Alicia Felipe of the PRS at ext. #6663.

cc: Johnny Vega, P.E., Francisco Teresa-Calleja, Patti Emad, JoAnne Clingerman – DERM
DERM File No. SW-1469

RECEIVED
DERM

FEB 05 2018

POLLUTION REGULATION
DIVISION
(VIA EMAIL)

Memorandum
MIAMI-DADE
COUNTY

Date: February 2, 2018

To: Rashid Istambouli, P.E., Chief
Pollution Regulation Division

From: Lisa Spadafina, Chief
Natural Resources Division

Subject: Review request – Response prepared by Langan to DERM's correspondence submitted on behalf of Saga South Development, Inc. for the property located at, near, or in the vicinity of SW 81st Place, between S.W. 208th Street and S.W. 210th Street, Cutler Bay, Miami-Dade County, Florida (folio #36-6010-000-0030); DERM File Nos. SW-1469 & CC13-138

The Natural Resources Division has reviewed responses prepared by Langan Engineering and Environmental Services, Inc. ("Langan") on behalf of Saga South Development, Inc. dated December 12th, 2017 to the NRD-Coastal and Wetlands Resources Section's comments from October 5th, 2017 and has the following additional comments:

Coastal and Wetlands Resources Section (CWRS)

Item 5.2 in the CAP makes reference to a recommendation to take "general actions and procedures to remove waste located within the wetland" areas. The Coastal and Wetlands Resources Section has no objection to the actions and procedures listed therein; however, this list has remained as a recommendation and not a requirement to remove waste from within the wetlands. Therefore, we request that the CAP approval include language that requires implementation of waste removal per the list in Section 5.2 of the CAP.